

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT EDNY.

UNITED STATES OF AMERICA

★ DEC 13 2005 ★

**ORDER OF
EXCLUDABLE DELAY**

-v-

THEODORE PAPAHAZIZ

BROOKLYN OFFICE

Case No 05CR842 (ARR)

It is hereby stipulated that the time period from 12/13/05 through 2/8/06 be excluded in computing the time within which

- () an information or indictment must be filed, or (XW)
(X) trial of the charges against defendant must commence. (XC)

The parties agree to the exclusion of the foregoing period for the purpose of

- () engaging in continuing plea negotiations, (XK)
() arranging for an examination of the defendant pursuant to 18 U.S.C. 4244 regarding his/her mental or physical capacity, (XA)
(X) For ends of justice to be served (XT)

and hereby request the Court to approve this exclusion from speedy trial computations.

The defendant has been fully advised by counsel of his/her rights guaranteed under the Sixth Amendment to the Constitution; the Speedy Trial Act of 1974, 18 U.S.C. 3161-74; the Plan and Rules of this Court adopted pursuant to that Act; and Rule 50(b) of the Federal Rules of Criminal Procedure 50(b) of the Federal Rules of Criminal Procedure 50(b). The defendant understands that he/she has a right to be tried before a jury within a specified time period not counting excludable periods.

Theodore Papahatziz
Defendant

Michael J. Gelp
Counsel for Defendant

E. S. Ma
For U.S. Attorney, EDNY

The Court approves this Order of excludable delay and finds that this action serves the end of justice and outweighs the best interest of the public and the debt in a speedy trial since

- () continuation of plea negotiations is likely to result in disposition of this case without trial (X7)
() _____

SO ORDERED.
12/13/05

Dated: Brooklyn, N.Y.

s/Allyne Ross
ROBERT M. LEVY, U.S.M.J.